

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

OSCAR BROOKS

PLAINTIFF

VS.

CIVIL ACTION NO. 4:07-cv- 00062-MPM-DAS

**INGRAM BARGE COMPANY, and
JANTRAN, INC.**

DEFENDANTS

**DEFENDANT JANTRAN, INC.'S MOTION TO
EXCLUDE EXPERT TESTIMONY**

COMES NOW Defendant, JANTRAN, INC. (hereinafter referred to as "JANTRAN"), by and through counsel and files this its Motion to Exclude Expert Testimony of Plaintiff and in support thereof states as follows:

I.

JANTRAN states that the motion deadline for all dispositive motions was Thursday, July 31, 2008. This Defendant requested and received an one (1) week extension from all parties. This Defendant also conferred with the appropriate officials in Judge Mills' chambers as well as Judge Sanders' chambers to determine if it was necessary to receive an order on the one (1) week extension. Counsel for this Defendant was advised that a motion and order for the one (1) week extension was not required.

II.

This Defendant states that its position regarding the exclusion of the expert testimony of Plaintiff's experts, Dr. Goldsmith and Dr. Hamer, is identical to the position taken by Defendant Ingram Barge Company (hereinafter referred to as "Ingram"). The reasoning set forth in Defendant Ingram's motion as well as its memorandum of law is virtually the same as the motion and memorandum of law prepared by JANTRAN. It is

this Defendant's position that it is not practical nor is it necessary to file an identical motion and brief on an issue that has been thoroughly detailed and excellently presented by Defendant Ingram.

III.

Prior to filing the motion and brief on behalf of JANTRAN, this issue was discussed with appropriate court officials to determine if it was necessary to file what would essentially be identical motions and briefs in support thereof. Counsel for this Defendant hereby joins in the positions set forth by Defendant Ingram in their Motion to Exclude the Expert Testimony of Dr. Goldsmith and Dr. Hamer, as well as the Memorandum of Law filed in support of the motion. All exhibits relied upon by Defendant Ingram would be the identical exhibits relied upon by this Defendant in its motion and brief. This Defendant states that it is unnecessary to burden the Court with having to expend unnecessary time in reviewing essentially duplicative motions and briefs on the subject that has been so excellently handled by counsel for Defendant Ingram. Therefore this Defendant joins in and adopts by reference all exhibits, motions and law relied upon by Defendant Ingram in its Motion to Exclude Expert Testimony as the position of JANTRAN.

IV.

This Defendant states that if the Court determines at any time that the position taken by JANTRAN in reliance upon Defendant Ingram's motion is insufficient, this Defendant states that it will provide its motion and brief with all exhibits to the Court if requested. Once again, this Defendant states the joinder of this position is filed to prevent this Court from having any undue delay or unnecessary expense of valuable

Court time in having to read a duplicative motions and memorandums of law in support of what is essentially an identical position held by both Defendants.

Respectfully submitted, this, the 5th day of August, 2008.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the undersigned effected service by Electronic Filing of this document upon:

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This the 5th day of August, 2008.

/s/Tom Janoush